

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

DONALD DAWSON-DURGAN,	:	Case No. 1:19-cv-382
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Michael R. Merz
v.	:	
	:	
TIM SHOOP, Warden, Chillicothe	:	
Correctional Institution,	:	
	:	
Respondent.	:	

**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 61),
OVERRULING OBJECTIONS, and DENYING MOTION TO ALTER OR AMEND
JUDGMENT (Doc. 60)**

This action is before the Court on Magistrate Judge Michael R. Merz's Report and Recommendation (Doc. 61). The Court dismissed the habeas petition and closed this matter on March 31, 2023. (Doc. 58.) Petitioner moved to alter or amend the judgment under Fed. R. Civ. P. 59(e). (Doc. 60.) Magistrate Judge Merz recommends denying Petitioner's motion. His analysis did not reveal any basis to grant the motion under the Rule 59(e) standard. *See GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999) ("Motions to alter or amend judgment may be granted if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice.") (citations omitted).

Petitioner objects, arguing that the report and recommendation the Court adopted in dismissing his petition did not consider all the arguments he raised in his prior

objections. (*See* Docs. 57, 62.) But the reports and recommendations, including the instant one, do take the sum of Petitioner's positions into account. As the report explains, "Petitioner essentially seeks reconsideration of arguments already made or reweighing of conclusions from the evidence presented in the trial court." (Report and Recommendation, Doc. 61, Pg. ID 3253.) As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon such review, the Court finds that Petitioner's objections fail to identify any error and are accordingly **OVERRULED**. The Court **ADOPTS** the Report and Recommendation (Doc. 61) and **DENIES** Petitioner's motion to alter or amend the judgment (Doc. 60).

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND